

CONGRESSIONAL RECORD SUMMARY

Thursday, January 9, 2003

HOUSE

The House was not in session today. Its next meeting will be held on Monday, January 27, 2003 at 2:00 p.m.

SENATE

Measures Introduced:

S. 109. *A bill to convert the temporary judgeship for the district of Nebraska to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.*

Nelson

Page S 132

S. 121. *A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary.*

Hutchison

Pages S 132, S 155-6

S. 129. *A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Governmental Affairs.*

Voinovich

Page S 133

S. 132. *A bill to place a moratorium on executions by the Federal Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty; to the Committee on the Judiciary.*

Feingold

Pages S 133, 160-4

SEC. 201. ESTABLISHMENT OF COMMISSION.

(a) *Establishment.--There is established a commission to be known as the National Commission on the Death Penalty (in this title referred to as the "Commission").*

(b) *Membership.--*

(1) *Appointment.--Members of the Commission shall be appointed by the President in consultation with the Attorney General and the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate.*

(2) *Composition.--The Commission shall be composed of 15 members, of whom--*

(A) *3 members shall be Federal or State prosecutors;*

(B) *3 members shall be attorneys experienced in capital defense;*

(C) 2 members shall be current or former Federal or State judges;

(D) *2 members shall be current or former Federal or State law enforcement officials; and*

(E) *5 members shall be individuals from the public or private sector who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission, which may include--*

(i) *officers or employees of the Federal Government or State or local governments;*

(ii) *members of academia, nonprofit organizations, the religious community, or industry; and*

(iii) *other interested individuals.*

(3) *Balanced viewpoints.--In appointing the members of the Commission, the President shall, to the maximum extent practicable, ensure that the membership of the Commission is fairly balanced with respect to the opinions of the members of the Commission regarding support for or opposition to the use of the death penalty.*

Measures Introduced (Cont'd.):

S. Con. Res. 1. A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States; to the Committee on Governmental Affairs.

Sarbanes

Pages S 133, S 174-5

Measure Reported:

Special Report entitled "*Summary of Legislative and Oversight Activities During the 107th Congress.*" (Senate Report No. 108-1)

Pages S 132, D 13

Measures Passed:

Continuing Appropriations: *Senate passed H.J. Res. 1, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President.*

Pages S 104-6, D 13

See Pages S 105-6: HOMELAND SECURITY IMPACTS OF LONG-TERM CR.

Border Patrol/INS--*Efforts to deploy an additional Border Patrol agents and immigration inspectors at land port-of-entry along both the northern and southern borders would be stalled. Likewise, construction projects that are necessary to house these additional Border Patrol agents would be delayed. No funding would be available to continue planning and implementation of the INS' Entry Exit system, a program designed to facilitate more secure and controlled access to this country by non-US citizens.*

Office of Homeland Security--*The Office of Homeland Security was funded through the \$20 billion supplemental. Under a clean CR, this office would not be funded.*

GSA Construction--*No new starts for any GSA line-item construction (\$630 million); would delay \$300 million for 11 courthouse construction projects, \$30 million for 6 border station construction projects, and \$300 million for 5 other construction projects, including funds for consolidating Food and Drug Administration facilities, a major Census building, and the US mission to the UN in New York. Projects would become more expensive due to inflation.*

Adjournment Resolution: *Senate agreed to H. Con. Res. 8, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.*

Pages S 177, D 13

Nominations Received:

Senate received the following nominations:

Florentino Subia, of Texas, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Frank B. Strickland, of Georgia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Michael McKay, of Washington, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Lillian R. BeVier, of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2004.

Robert J. Dieter, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Pages S 177-80, D 13-16

Nominations Received (Cont'd):

Thomas A. Fuentes, of California, to be a Member of the Board of Directors of the Legal Services

Corporation for a term expiring July 13, 2005.

Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003.

Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2007. (Reappointment)

Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Mark Moki Hanohano, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Thomas Dyson Hurlburt, Jr., of Florida, to be United States Marshal for the Middle District of Florida for the term of four years.

Christina Pharo, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

Dennis Arthur Williamson, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

Richard Zenos Winget, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment)

Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years.

Pages S 177-80, D 13-16

Measures Read The First Time:

The following were read the first time:

H.R. 16 *An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.*

H.J. Res. 2. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

Page S 128

Committee Meeting:

Committee on Commerce, Science, and Transportation: Committee held hearings on the future of the airline industry, including the state of aviation security.

Page D 17

Remarks:

Civil Rights As A Priority For The 108th Congress.

"...Indeed, I believe that the End Racial Profiling Act is a pro-law enforcement bill. It will help to restore the trust and confidence of the communities our police and law enforcement have pledged to serve and

protect. That confidence is crucial to success in stopping crime, and, yes, in stopping terrorism. The End Racial Profiling Act is good for law enforcement and good for America. [] Congress should also take action to ensure fairness and justice in the administration of the death penalty. We know that the administration of the death penalty at the Federal and State levels is flawed. With over 100 innocent people on death row later exonerated in the modern death penalty era, any reasonable person can see that the current system risks executing the innocent. [] Finally, the President should demonstrate his commitment to justice for all Americans by nominating judges to the Federal bench whose records demonstrate that they will uphold our Nation's civil rights laws and give fair and impartial treatment to all who come before them. The President's renomination this week of Charles Pickering, Sr. to a position on the Fifth Circuit is a step backward..."

Feingold

Pages S 103-4

US Airways.

Santorum

Pages S 117-20

In Defense Of The Federalist Society.

"...The Federalist Society espouses no official dogma. Its members share acceptance of three universal ideas: One, that government's essential purpose is the preservation of freedom; Two, that our Constitution embraces and requires separation of governmental powers; and, three that judges should interpret the law, not write it. [] This judicial activism is a nefarious practice that seeks to undermine the principle of democratic rule. It results in an unelected oligarchy--government by small elite. Judicial activism imposes the will of a small group of politicized lawyers upon the American people and undermines the work of the people's representatives. Indeed, if the radical left, the abortion on demand lobby, and some predatory businessmen who happen to hold law degrees and call themselves trial lawyers are successful; if we appoint judges that are committed to writing the law and Constitution and not interpreting it only, then all of us can just go home. We can resign ourselves to live under the oligarchic rule of lawyers--or should I say judges..."

Hatch

Pages S 120-2

Local Law Enforcement Act Of 2001.

"...I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Hate crimes legislation like the Local Law Enforcement Enhancement Act is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well..."

Smith

Page S 123

Democratic Leadership Priorities For The 108th Congress.

"... That is why we are introducing The Equal Rights and Equal Dignity for Americans Act. This bill will enforce employment nondiscrimination, fund the election-reform measures we passed last year, outlaw hate crimes, and take other steps to see that as a nation, we live up to the promise of equal rights. I hope those Republicans who have recently expressed their support for civil rights will join us in expressing their support for this legislation. I also hope they will join us in supporting our bill to combat drug and gun violence, to crack down on new crimes like identity theft, and to protect against and prevent crimes against children and seniors..."

Daschle

Pages S 134-5

Remarks (Cont'd.):

Remarks On S. 22, A Bill To Enhance Domestic Security, And For Other Purposes. (Includes Section-by-Section Analysis)

"...I am pleased today to join Senator Daschle and other Democratic Senators in introducing the Justice Enhancement and Domestic Security Act of 2003. This comprehensive crime bill builds on prior

Democratic crime initiatives, including the landmark Violent Crime Control and Law Enforcement Act of 1994, that worked to bring the crime rate down. [] I should note that the bill contains no new death penalties and no new or increased mandatory minimum sentences. We can be tough without imposing the death penalty, and we can ensure swift and certain punishment without removing all discretion from the judge at sentencing. [] Subtitle B of title I provides for additional increases in INS personnel and improvements in INS technology to guard our borders. [] Through the USA PATRIOT Act and the Enhanced Border Security and Visa Reform Act, we have attempted to bolster our borders by creating additional positions. But our work is not done. This legislation would authorize such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007. It would also authorize \$250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance. [] Subtitle C of title I, the Military Tribunal Authorization Act of 2003 would provide the executive branch with the specific authorization it now lacks to use extraordinary tribunals to try members of the al Qaeda terrorist network and those who cooperated with them. Specifically, this legislation authorizes the use of "extraordinary tribunals" for al Qaeda members and for persons aiding and abetting al Qaeda in terrorist activities against the United States who are apprehended in, or fleeing from, Afghanistan. [] Finally, subtitle A of title II addresses the problems caused by housing juveniles who are prosecuted in the criminal justice system in adult correctional facilities. It assists the States in providing safe conditions for their confinement and appropriate access to educational, vocational, and health programs. [] This legislation addresses the most prevalent crimes perpetrated against seniors, containing proposals to reduce health care fraud and abuse, combat nursing home fraud and abuse, prevent telemarketing fraud, and safeguard pension and employee benefit plans from fraud, bribery, and graft. In addition, this legislation would help seniors obtain restitution if their pension plans are defrauded. [] The third title of the Justice Enhancement and Domestic Security Act contains important provisions to prevent and punish identify theft, a crime that victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances. [] An important element of this effort is the COPS program. As noted earlier, the Bush Administration has proposed to cut the COPS program by nearly 80 percent, despite the success of this program in putting 115,000 new police officers on the beat since 1994. Title IV extends the COPS program through fiscal year 2008, authorizing funding to deploy up to 50,000 additional police officers, 10,000 additional prosecutors, and 10,000 defense attorneys for indigents. It also authorizes \$15 million per year for five years to help rural communities retain officers hired through the COPS program for an additional year..."

Leahy

Pages S 136-51

Remarks (Cont'd.):

Remarks On S. 22, A Bill To Enhance Domestic Security, And For Other Purposes. (Includes Section-by-Section Analysis–Cont'd.)

See Pages S 148-9: Part 6–Enhancing Security at the Department of Justice.

Sec. 4363. Authorization for increased resources to fulfill national security mission of the Department of Justice. *Authorizes funds for the Department of Justice Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the **Foreign Intelligence Surveillance Court**, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security. Amounts authorized are \$7 million through FY2004, \$7.5 million for FY2005, and \$8 million for FY2006.*

See Page S 149: Subtitle E—Additional Improvements to the Justice System.

Sec. 4503. Professional standards for government attorneys. *Clarifies the attorney conduct standards governing attorneys for the Federal Government to ensure that Federal prosecutors and agents can use traditional Federal law enforcement techniques without running afoul of State bar rules. This section also directs the **U.S. Judicial Conference** to develop national rules of professional conduct in any area in which local rules may interfere with effective Federal law enforcement, including, in particular, with respect to communications with represented persons.*

See Page S 147: Part 3–Federal Prosecutor’s Retirement Benefit Equity.

See Pages S 150-1: TITLE VI–THE INNOCENT PROTECTION ACT.

Subtitle B--Improving State Systems for Providing Competent Legal Services in Capital Cases

Sec. 6201. Capital Representation System Improvement Grants. *Authorizes grants to States to improve the quality of legal representation provided to indigent defendants in capital cases. States that choose to accept Federal funds agree to create or improve an effective system for providing competent legal representation in capital cases. The following funds are authorized to carry out the grant programs: FY2003: \$50 million; FY2004: \$75 million; FY2005 and FY2006: \$ 100 million per year; FY2007: \$75 million; FY2008: \$50 million.*

Sec. 6202. Enforcement suits. *A person may bring a civil suit in **Federal district court** against an officer of a State receiving Federal funds under section 6201, alleging that the State has failed to maintain an effective capital representation system as required under the grant program. The Attorney General may intervene in such suits, and where he does so, he assumes responsibility for conducting the action. If the court finds that the State has not met the grant conditions, it may order injunctive or declaratory relief, but not money damages.*

See Page S 151: TITLE VII–STRENGTHENING THE FEDERAL CRIMINAL LAWS

Next SENATE MEETING: Friday, 9:30 a.m., January 10, 2003.

Next HOUSE MEETING: Monday, 2:00 p.m., January 27, 2003.

OLA: S. Schwarz, A. Santos